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Attorneys for Plaintiff Ashot Egiazaryan

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ASHOT EGIAZARYAN, : : 11 CV 02670 (PKC) (GWG)
Plaintiff, : :
-against- : : **DECLARATION OF**
PETER ZALMAYEV, : : **JASON T. COHEN**
Defendant. : :
-----X

JASON T. COHEN, hereby declares, under penalty of perjury pursuant to 28 U.S.C. § 1746, as follows:

1. I am of counsel at the law firm Flemming Zulack Williamson Zauderer LLP, counsel for plaintiff Ashot Egiazaryan in the above-captioned action. I submit this declaration in support to plaintiff's motion for summary judgment, dated April 19, 2013.
2. Annexed as Exhibit 1 is a true and correct copy of the "Governor's Bill Jacket" for New York's anti-SLAPP statute (Bill Jacket, L. 1992, ch. 767).

3. Annexed collectively as Exhibit 2 are true and correct copies of relevant excerpts from the transcript of the deposition of Rinat Akhmetshin, defendant Peter Zalmayev's principal collaborator, dated March 20, 2012.

4. Annexed collectively as Exhibit 3 are true and correct copies of relevant excerpts from the transcript of the deposition of defendant's collaborator Douglas Bloomfield, dated November 10, 2011.

5. Annexed collectively as Exhibit 4 are true and correct copies of relevant excerpts from the transcript of the deposition of Peter Zalmayev, dated March 27-28, 2012.

6. Annexed as Exhibit 5 is a true and correct copy of Defendant's Responses to Plaintiff's Second Set of Interrogatories to Defendant, dated April 17, 2012.

7. Annexed as Exhibit 6 is a true and correct copy of the Position Paper, Bates stamped PZ001160-61.

8. Annexed as Exhibit 7 is a true and correct copy of an e-mail chain between Messrs. Zalmayev and Akhmetshin, dated February 22-23, 2011, Bates stamped PZ002778.

9. Annexed collectively as Exhibit 8 are true and correct copies of an e-mail from Mr. Akhmetshin to Greg Hitt and Viktor Novichkov (acting under the pseudonym 'levan zgenti'), dated March 24, 2011, Bates stamped PSI002060; an e-mail from Mr. Akhmetshin to Sarah Hale, Eliot Lauer, Nariman Gadzhiev, Paul Butler and Greg Hitt, dated April 13, 2011, Bates stamped PSI002107-09; an e-mail from Mr. Akhmetshin to Messrs Novichkov (again as 'levan zgenti'), Greg Hitt and Paul Butler, dated February 15, 2011, Bates stamped PSI002189-90; an e-mail from Mr. Akhmetshin to Messrs Greg Hitt, Paul Butler, and Jeff Eller, dated March 21, 2011, Bates stamped PSI002124; an e-mail from Mr. Akhmetshin to Eliot Lauer, dated February 5, 2011, Bates stamped PSI002227; an e-mail from Mr. Akhmetshin to Nariman

Gadzhiev and Messrs Novichkov, Hitt and Eller, dated February 22, 2011, Bates stamped PSI002035; an e-mail from Mr. Akhmetshin to Messrs Hitt and Eller, dated March 14, 2011, Bates stamped PSI002029; an e-mail from Mr. Akhmetshin to Mr. Novichkov (again as ‘levan zgenti’) and Greg Hitt and Jeff Eller, dated March 23, 2011, Bates stamped PSI002062; and an e-mail from Mr. Akhmetshin to Messrs Hitt, Eller and Butler, dated March 9, 2011, Bates stamped PSI002188.

10. Annexed as Exhibit 9 is a true and correct copy of an e-mail chain between Mr. Zalmayev and investigative journalist Nikola Krastev, dated March 24-25, 2011, Bates stamped PZ003541-42.

11. Annexed as Exhibit 10 is a true and correct copy of the Declaration of Rinat Akhmetshin, executed on August 21, 2012.

12. Annexed as Exhibit 11 is a true and correct copy of a declaration prepared by attorneys for Denoro Investments Limited (“Denoro”), executed on November 10, 2010, Bates stamped PZ000527-28.

13. Annexed as Exhibit 12 is a true and correct copy of a surveillance report prepared by a private investigator hired by Denoro to investigate Mr. Egiazaryan and other members of his family, Bates stamped PZ001099-1104

14. Annexed as Exhibit 13 is a true and correct copy of the article “Hiding in Beverly Hills,” previously attached as Exhibit A to the Amended Complaint.

15. Annexed as Exhibit 14 is a true and correct copy of the article “No Safe U.S. Haven for Hatemongers,” previously attached as Exhibit B to the Amended Complaint

16. Annexed as Exhibit 15 is a true and correct copy of an e-mail from Mr. Akhmetshin, dated February 5, 2011, Bates stamped PZ002065-67.

17. Annexed collectively as Exhibit 16 are true and correct copies of letters from Lev Ponomarev and Lyudmila Alexeyeva letters (the “Ponomarev and Alexeyeva Letters”), previously attached as Exhibit C to the Amended Complaint.

18. Annexed as Exhibit 17 is a true and correct copy of an e-mail from Mr. Zalmayev to Mr. Akhmetshin, dated December 29, 2010, Bates stamped PZ002696-97.

19. Annexed collectively as Exhibit 18 are true and correct copies of letters retracting the Ponomarev and Alexeyeva Letters, previously attached as Exhibit D to the Amended Complaint.

20. Annexed collectively as Exhibit 19 are true and correct copies of the Freedom Hose letters, previously attached as Exhibit E to the Amended Complaint.

21. Annexed as Exhibit 20 is a true and correct copy of a Chase bank account statement reflecting a \$70,000.00 wire to Mr. Zalmayev’s New York-based organization Eurasia Democracy Initiative, Inc., Bates stamped PZ003857.

22. Annexed as Exhibit 21 is a true and correct copy of an e-mail chain among Peter Zalmayev, Rinat Akhmetshin, and David Whiddon, dated March 9-10, 2011, Bates stamped PZ002843-45.

23. Annexed as Exhibit 22 is a true and correct copy of an e-mail chain between defendant’s co-conspirators Messrs. Akhmetshin and Bloomfield, dated February 25, 2011, Bates stamped BA00007.

24. Annexed as Exhibit 23 is a true and correct copy of an e-mail chain between defendant’s co-conspirators Messrs. Akhmetshin and Bloomfield, dated February 25, 2011, Bates stamped BA00125.

25. Annexed as Exhibit 24 is a true and correct copy of an e-mail chain between defendant's co-conspirators Messrs. Akhmetshin and Bloomfield, dated February 26, 2011, Bates stamped BA00146.

26. Annexed as Exhibit 25 is a true and correct copy of Mr. Egiazaryan's complaint, dated April 19, 2011, without its exhibits.

27. Annexed as Exhibit 26 is a true and correct copy of defendant's Answer to Count I, Affirmative Defenses, and Counterclaim, dated August 5, 2011.

28. Annexed as Exhibit 27 is a true and correct copy of Judge P. Kevin Castel's December 7, 2011 Memorandum and Order.

29. Annexed as Exhibit 28 is a true and correct copy of plaintiff's Amended Complaint, dated February 28, 2012, without its exhibits.

30. Annexed as Exhibit 29 is a true and correct copy of Judge P. Kevin Castel's July 30, 2012 Memorandum and Order.

31. Annexed as Exhibit 30 is a true and correct copy of *Memorandum by Joseph E. Langlois*, U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, June 15, 2005.

32. Annexed as Exhibit 31 is a true and correct copy of *Memorandum by Bo Cooper*, U.S. Department of Justice, Immigration and Naturalization Service, June 21, 2001.

33. Annexed as Exhibit 32 is a true and correct copy of Advisory opinion on the rules of confidentiality regarding asylum information, United Nations High Commissioner for Refugees ("UNHCR"), Mar. 31, 2005.

34. Annexed as Exhibit 33 is a true and correct copy of the transcript of the New York Senate debate on the anti-SLAPP statute (NY Senate Debate on Assembly Bill 4299, July 1, 1992).

35. Annexed as Exhibit 34 is a true and correct copy of an e-mail chain between Mr. Zalmayev and DHS official Charles Nimick, dated March 31, 2011 to April 1, 2011, Bates stamped PZ003466-68.

36. Annexed as Exhibit 35 is a true and correct copy of an e-mail chain between Kyle Parker and Peter Zalmayev, dated February 6-8, 2011, Bates stamped PZ003708-9.

37. Annexed collectively as Exhibit 36 are true and correct copies of relevant excerpts from the October 3, 2012 Conference before Magistrate Judge Gabriel W. Gorenstein, which was filed under seal.

38. Annexed as Exhibit 37 is a true and correct copy of Judge P. Kevin Castel's February 14, 2013 Order.

39. Annexed as Exhibit 38 is a true and correct copy of the Second Witness Statement of James Philip Golden, counsel for Mr. Zalmayev, dated November 9, 2012, in connection with defendant's attempt to obtain non-party discovery pursuant to the Hague Convention.

40. Annexed as Exhibit 39 is a true and correct copy of an e-mail from Peter Zalmayev to Rinat Akhmetshin, dated March 9, 2011, Bates stamped PZ000918.

41. Annexed as Exhibit 40 is a true and correct copy of an e-mail from Peter Zalmayev to Rinat Akhmetshin, dated March 10, 2011, Bates stamped PZ000920.

42. Annexed as Exhibit 41 is a true and correct copy of e-mails from Andrew McChesney, Leonid Komarovsky, and Peter Zalmayev, dated March 13, 2011, Bates stamped PZ000921-PZ000923.

43. Annexed as Exhibit 42 is a true and correct copy of Peter Zalmayev's Initial Disclosures Pursuant to Rule 26(a)(1), dated July 8, 2011.

44. Annexed as Exhibit 43 is a true and correct copy of relevant excerpts from the transcript of the November 8, 2011 Conference before Magistrate Judge Gabriel W. Gorenstein

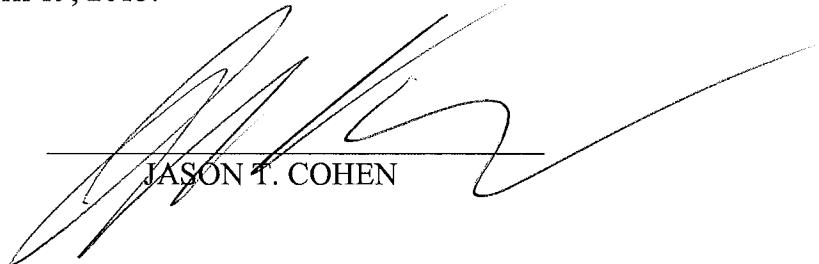
45. Annexed as Exhibit 44 is a true and correct copy of a relevant excerpt from transcript of the deposition of Ashot Egiazaryan, dated January 18-19, 2012.

46. Annexed as Exhibit 45 is a true and correct copy of a memorandum from Douglas Bloomfield, titled "Memcon", Bates stamped BA 00483-87.

47. Annexed collectively as Exhibit 46 are true and correct copies of a series of checks from Andrey Vavilov to Peter Zalmayev's legal team, Bates stamped PZ003934-62.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York on April 19, 2013.



JASON T. COHEN